UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,450	09/12/2003	Jeffrey George	60518-178	7808

27305 7590 01/08/2007	EXAMINER
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THE PINEHURST OFFICE CENTER, SUITE #101	

ART UNIT	PAPER NUMBER
3714	

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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
	10/661,450	GEORGE ET AL.
Office Action Summary	Examiner	Art Unit
	Aashish Karkhanis	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10/10/2006</u>.

2a)☒ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-44</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1.   Claims 1 – 42 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1 – 62 of

copending Application No. 10/661140. Although the conflicting claims are not identical,

they are not patentably distinct from each other because each set of claims disclose

identical subject matter.

This is a provisional obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1 – 6, 20 – 27 and 35 – 44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sarno (U.S. Patent 6,024,641) in view of McNutt et al. (U.S. Patent

Application Publication 2003/0228907 A1).

Regarding Claims 1, 22 and 43 – 44, Sarno discloses a remote system for use

with a gaming system implementing a player tracking system (col. 1, lins. 8 – 18)

including a remote device and a remote network interface coupled to the remote device

for receiving a request for data associated with the remote device input by the user and

relaying the request to the remote network interface (col. 5, lins. 22 – 32; where a user

requests a connection from a remote device to a central computer to begin a game), the

remote network interface for retrieving data from a host computer and delivering the

data to the remote device (col. 3, lins. 58 – 62). Sarno does not disclose a remote

device which is a portable mobile computer. However, McNutt teaches a mobile

computer (para. 0012) using an Internet connection (para. 0018), which may be used in

a wagering game. McNutt teaches using a mobile computer to access a gaming

environment from any physical location using a wireless network that may be the

internet. This allows more people to participate in the game. Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention to have

modified the internet-based gaming system using generic computers (col. 4, lins. 48 –

65) of Sarno with the specific type of computer embodied in a mobile computer of McNutt in order to allow for a greater number of users or players to participate in a gaming environment over a larger geographic area.

Regarding Claims 2 – 5 and 23 – 26, Sarno discloses a network gaming device including a wireless connection between the remote device and the remote network interface (col. 4, lins. 44 – 47). Sarno does not disclose using any 802.11 standards in wireless Internet communication. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an IEEE 802.11 standard, an IEEE 802.11b standard, or an IEEE 802.11g standard, which are all specific embodiments of generic wireless connection methods, in order to allow users with standardized wireless connections to access a wireless gaming system, increasing the pool of available players.

Regarding Claims 6, 27 and 35 – 38, Sarno discloses a remote device having a processor (col. 4, lin. 11) and a web client for interaction with a user (col. 6, lins. 21 – 22), the remote network interface for formatting the data into a hyper text mark-up language response for display by the web client (col. 4, lin. 8), the web client including a plurality of servlets for providing functionality to a user (col. 7, lins. 5 – 16; where different games, areas, and functions of a web site may be implemented as servlets served to a client computer), a login layer for identifying the user (col. 5, lin. 34), a menu layer (col. 7. lins. 6 – 9) for allowing the user to navigate to and access the servlets and restricting access to the servlets as a function of the assigned type (col. 5, lins. 41 – 44;

where a user account is of a valid or invalid type, and access to game system servets is

restricted based on validity of an account).

Regarding Claims 20 – 21 and 39 – 42, Sarno discloses a remote system with

data including information associated with a current client (fig. 4, elem. 45), data

including at least one of the TCP/IP address, an HTTP context (col. 3, lin. 45; where the

use of a TCP/IP address and an HTTP context are inherent in the use of the WWW for

providing communications between a client and server system), an ID, and a name (fig.

4, elem. 49; where a name and a credit card serve as player identification) associated

with the current client, data including information related to a current user of the remote

device (fig. 4, elem. 49; where address and other personal identification information is

associated with a player), and including at least one of a user ID as a user name (fig. 4,

elem. 49; where a full name or a credit card name may be used as identification).

3.   Claims 7 – 19 and 28 – 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sarno in view of McNutt, and further in view of Ramakrishnan

(Database Management Systems. 1998, McGraw Hill. ISBN 0-07-050775-9).

Regarding Claims 7 – 12 and 28 – 33, Sarno discloses a host computer for

maintaining a player tracking system (col. 1, lins. 8 – 18), with a third data object

coupled to the remote network interface for receiving queries from the remote network

interface retrieves responsive data for retrieving and storing data therein (col. 3, lins. 65

– 67; where an interface between storage and a network is provided to make a host

computer's data accessible to clients). Sarno does not disclose a specific type of data

storage including a database consisting of tables with first data objects coupled to the

database tables or a second data objects for assembling first data objects.

However, Ramakrishnan teaches a database for storing data in database tables,

a plurality of first data objects coupled to the database tables for retrieving and storing

data in the database tables (p. 22, para. 2; where relations such as data types are

formed within tables), at least one second data object coupled to the first data objects

for assembling multiple first data objects into a third data object (p. 21, para. 2; where a

second object is a database collecting all tables of a database). Ramakrishnan teaches

a specific organization of data in storage using databases and tables to keep data more

organized.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have modified the generic network based storage device as

disclosed by Sarno with the specific table and database related storage system as

taught by Ramakrishnan in order to provide a more organized and efficient method of

accessing and manipulating data.

Regarding Claims 13 – 17 and 34, Sarno discloses a remote device having a

processor (col. 4, lin. 11) and a web client for interaction with a user (col. 6, lins. 21 –

22), the remote network interface for formatting the data into a hyper text mark-up

language response for display by the web client (col. 4, lin. 8), the web client including a

plurality of servlets for providing functionality to a user (col. 7, lins. 5 – 16; where

different games, areas, and functions of a web site may be implemented as servlets

served to a client computer), a login layer for identifying the user (col. 5, lin. 34), a menu

layer for allowing the user to navigate to and access the servlets and restricting access to the servlets as a function of the assigned type (col. 5, lins. 41 – 44; where a user account is of a valid or invalid type, and access to game system servets is restricted based on validity of an account).

Regarding Claims 18 – 19, Sarno discloses a remote system with data including information associated with a current client (fig. 4, elem. 45), data including at least one of the TCP/IP address, an HTTP context (col. 3, lin. 45; where the use of a TCP/IP address and an HTTP context are inherent in the use of the WWW for providing communications between a client and server system), an ID, and a name (fig. 4, elem. 49; where a name and a credit card serve as player identification) associated with the current client.

Response to Arguments

4.   Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,984,786: Game network with relational database.

U.S. Patent: 4,764,666: Game network cards.

U.S. Patent 5,797,796: Database error checking.

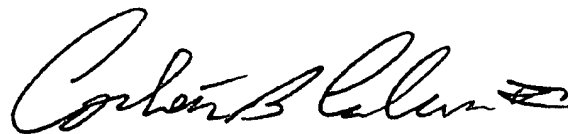U.S. Patent 5,586,937: Gaming System with remote terminals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARK

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PRIMARY EXAMINER